



AUSTRALIAN SENATE

CLERK OF THE SENATE

PARLIAMENT HOUSE  
CANBERRA A.C.T. 2600  
TEL: (02) 6277 3350  
FAX: (02) 6277 3199  
E-mail: [clerk.sen@aph.gov.au](mailto:clerk.sen@aph.gov.au)

rm.let.17257

25 May 2010

Senator Helen Polley  
Chair  
Finance and Public Administration Legislation Committee  
The Senate  
Parliament House  
CANBERRA ACT 2600

Dear Senator Polley

**ESTIMATES HEARINGS – MEMBERS OF THE INDEPENDENT COMMUNICATIONS COMMITTEE**

I understand that the committee has been considering the question of whether members of the Independent Communications Committee could be called to give evidence at the estimates hearings.

Standing order 26(5) empowers the legislation committees, when considering estimates, to ask for explanations from ministers in the Senate or officers. This has been interpreted in the past as covering the officers of any Commonwealth department or agency, including any Commonwealth statutory body, and any Commonwealth-owned company, regardless of whether they receive funds directly through the appropriation bills. Persons who do not fall into the category of officers technically may not be examined in an estimates hearing (although this rule has not been strictly adhered to on occasion when consultants or contractors have appeared).

It is not clear from the website describing the Independent Communications Committee on what basis the members are appointed. This would need to be ascertained from the Minister. Generally speaking, however, an officer is a person who is in an employment relationship with a Commonwealth agency. While it may be doubted whether this relationship exists in respect of members appointed to the ICC, there is no doubt that the secretariat for the ICC,

within the Department of Finance and Deregulation, would come within the description of 'officers' in standing order 26(5).

There is also no question that the members of the ICC could be examined by the committee in one of its non-estimates modes of operation, such as the performance of departments and agencies under which the committee could examine the new mechanism for the scrutiny of government advertising campaigns. Alternatively, this could be the subject of an inquiry by the references committee after referral by the Senate.

Please let me know if I can provide any further assistance.

Yours sincerely



(Rosemary Laing)